



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 18 2014

Allen Searcy, Treasurer
Gene Jeffress for Congress
1483 Quachita 47
Louann, AR 71751

RE: MUR 6648

Dear Mr. Searcy:

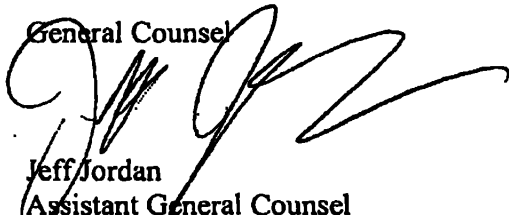
On September 25, 2012, the Federal Election Commission notified you of a complaint alleging a violation of the Federal Election Campaign Act of 1971, as amended. On April 10, 2014, the Commission dismissed the allegation that Gene Jeffress for Congress and Alan Searcy in his official capacity as treasurer violated 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11(a)(1). Accordingly, the Commission closed its file in this matter on April 10, 2014.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Jin Lee, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

General Counsel

BY: 
Jeff Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Gene Jeffress for Congress
and Allen Searcy as treasurer

MUR 6648

I. INTRODUCTION

This matter was generated by a Complaint filed by the Republican Party of Arkansas alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by Gene Jeffress for Congress and Allen Searcy as treasurer (the "Committee"). After reviewing the record, the Commission exercised its prosecutorial discretion and dismissed the allegation that the Committee violated 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11(a)(1).

II. FACTUAL & LEGAL ANALYSIS

The Complaint alleges that the Committee violated the Act by failing to provide proper disclaimers on the Committee's campaign materials, which included "campaign push card[s]," yard signs, and "campaign fan[s]." Compl. at 1. The Complaint includes photographs of those campaign materials that contain language such as, "Gene Jeffress Congress/Democrat/District 4," as well as Jeffress' biographical information, two telephone numbers, a street address, and the Committee's website address, "www.jeffressforcongress.com." *Id.*

Respondents acknowledge that they failed to include disclaimers in their campaign materials. *See* Resp. at 1. They state, however, that prior to the Complaint, the Committee had distributed only a small amount of the campaign materials in question and upon receipt of the Complaint, the Committee suspended the distribution of the campaign materials within 24 hours. *Id.* Further, the Committee corrected all remaining materials by affixing decals containing the proper disclaimer language. *Id.* Attached to the Response are photographs of the Committee's

1 campaign materials with a disclaimer stating "Paid for by Jeffress for Congress." *Id.*, Attach. 1-
2 4.

3 Under the Act, a political committee that makes a disbursement for the purpose of
4 financing any communication through any broadcasting station, newspaper, magazine, outdoor
5 advertising facility, mailing, or any other type of general public political advertising must
6 include a disclaimer in such communication. 2 U.S.C. § 441d(a); *see also* 11 C.F.R.
7 § 110.11(a)(1). If the communication is paid for by a candidate, an authorized political
8 committee of a candidate, or its agents, the disclaimer must clearly state that the communication
9 has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1); *see also* 11
10 C.F.R. § 110.11(b)(1).

11 Here, the available information indicates that the Committee's campaign materials did
12 not contain disclaimers prior to the filing of the Complaint, and Respondents acknowledge that
13 they were in violation of the Act. In view of the available Commission resources, the
14 Commission has decided not to pursue this matter further because it is unlikely that the general
15 public would have been misled as to who paid for the production of the campaign materials, the
16 distribution of the campaign materials appears to have been minimal, and the Committee took
17 prompt remedial action. Accordingly, the Commission exercises its prosecutorial discretion,
18 pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985), to dismiss this matter.

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